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OCT 25 2006
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Michael D. Edgerton
Serial No: 10/679,063
Filed : 10/02/2003
For: Transgenic Plants with Improved Phenotypes

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION
AND PRELIMINARY AMENDMENT

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

When applicant failed to respond to a Notice To File Missing Parts of Nonprovisional Application mailed 03/08/2004, this application became abandoned. To revive this application applicants submit concurrently herewith a Petition to Revive an Unintentionally Abandoned Application together with this response to the outstanding action providing the missing parts, i.e. statutory fees and surcharges and inventors declaration as well as a preliminary amendment to the claims as requested below.

Preliminary Amendment - Claims Please amend the claims as indicated in the attached listing of claims.

Regarding the amendment to claim 1, support for characterizing the polypeptide as an "L5" polypeptide is found in Table 1 as the functional annotation in the lines describing the DNA with polynucleotide sequence of SEQ ID NO:31, 164, 165 and 166 which encode the polypeptides with the amino acid sequence of SEQ ID NO:644, 773, 774 and 775, respectively. Support for the specific traits, i.e. increased yield and